

ARKANSAS SUPREME COURT

No. CR 94-358

TERRICK NOONER
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered April 5, 2007

PRO SE PETITION FOR WRIT OF
MANDAMUS [CIRCUIT COURT OF
PULASKI COUNTY, CR 93-966A]

PETITION DENIED.

PER CURIAM

On March 1, 2007, this court denied a request filed by petitioner Terrick Nooner asking that the death sentence imposed on him in 1993 be executed immediately on the ground that the request was premature.¹ *Nooner v. State*, CR 94-358 (Ark. Mar. 1, 2007) (per curiam). The request was deemed premature because the State in a response filed February 12, 2007, averred that an execution date had not been set by the Governor in petitioner's case and that the Attorney General did not intend to seek an execution date from the Governor until pending litigation in federal court challenging Arkansas's lethal-injection procedure was completed.²

On March 9, 2007, petitioner filed the instant pro se petition for writ of mandamus, again seeking to have the sentence executed. Petitioner contends that an execution date has indeed been

¹The opinion gives a full recital of the numerous pro se motions and petitions filed by petitioner Nooner in this court since he first filed a motion for immediate execution of sentence in 2003.

²The pending case is *Nooner, et al v. Norris*, No. 5:06-CV-110.

set by the Governor and that all federal proceedings in his case are complete. Petitioner has appended to the petition a federal court order dated December 6, 2006, in which the court directs the attorney representing petitioner in federal court to submit a response to a pro se motion filed by petitioner. As the order does not suggest that the proceedings in federal court are completed or otherwise support petitioner's contention that an execution date has been set in his case, it is not clear why the order was included with the petition to this court, and petitioner offers no other support for his claim that an execution date has been set.

In its response to the motion, the State avers that there has been no change in petitioner's status since our most recent opinion was issued on March 1, 2007, and that petitioner's case in the federal district court remains pending. Inasmuch as petitioner has not demonstrated that the circumstances in his case have been altered in any significant way since this court's last decision, the instant petition is denied.

Petition denied.